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Docket No.: 204931US20

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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RE: Application Serial No.: 09/877,182
Applicants: Daniel C. LIEBLER, et al.
Filing Date: June 11, 2001
For: METHOD AND SYSTEM FOR MINING MASS
SPECTRAL DATA
Group Art Unit: 1743
Examiner: SODERQUIST, ARLEN

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)
COPY OF THE NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)
SUBSTITUTE AMENDMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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Michael E. Monaco

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DOCKET NO: 204931

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DANIEL C. LIEBLER, ET AL. : EXAMINER: SODERQUIST, ARLEN
SERIAL NO: 09/877,182 :
FILED: JUNE 11, 2001 : GROUP ART UNIT: 1743
FOR: METHOD AND SYSTEM FOR :
MINING MASS SPECTRAL DATA :

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated September 16, 2004, Applicants respectfully submit herewith a substitute amendment to the amendment previously filed on September 7, 2004.

In the substitute amendment the status of Claims 33 and 34 have been corrected from "Currently Amended" to "Original". No new matter is added. Applicants therefore submit the present application is in condition for examination and allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870
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Registration No. 52,041

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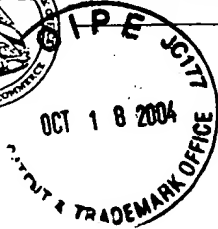
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UNITED STATES PATENT AND TRADEMARK OFFICE



09/877/82

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9-7-4 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claims 33, 34 do not include Markings

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Annie C. S. Galt
Legal Instruments Examiner (LIE)

571-272-1049
Telephone No.



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DANIEL C. LIEBLER, ET AL. : EXAMINER: SODERQUEST, A.
SERIAL NO: 09/877,182 :
FILED: JUNE 11, 2001 : GROUP ART UNIT: 1743
FOR: METHOD AND SYSTEM FOR :
MINING MASS SPECTRAL DATA :

SUBSTITUTE AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Further to the amendment filed September 7, 2004 and in response to the Office
Action dated April 5, 2004, please amend the above-identified application as follows:

Remarks/Arguments begin on page 2 of this paper.